

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

DAVID WADE §  
VS. § CIVIL ACTION NO. 1:05cv224  
NIGEL COLLINS, ET AL. §

MEMORANDUM OPINION AND ORDER

Plaintiff David Wade, an inmate confined in the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this lawsuit against Nigel Collins, Eric Raskin, David Tyler, and Rose Ann Adolphi, all employees of Ring Magazine located in Marion, Ohio.

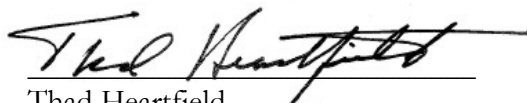
Discussion

On June 3, 2005, plaintiff filed a motion to voluntarily dismiss the above-styled action. Pursuant to Federal Rule of Civil Procedure 41(a), plaintiff is entitled to voluntarily dismiss his action prior to the service of adverse parties. As the defendants have not been served in this action, plaintiff's motion to dismiss should be granted.

O R D E R

For the foregoing reasons, plaintiff's motion to dismiss the action is hereby **GRANTED**. A final judgment will be entered dismissing this action pursuant to FED. R. CIV. P. 41(a).

**SIGNED** this the 14 day of **June, 2005**.

  
Thad Heartfield  
United States District Judge